

## **REMARKS**

### **I. Summary of the Office Action**

The Office Action mailed October 5, 2009 ("the Office Action") made a Request for Information under 37 C.F.R. 1.105. This Request is addressed below in more detail.

### **II. Related Applications**

The Applicant understands that the Examiner reviews the claims and prosecution history of related applications as they contain common subject matter. To this end, the Applicant reminds the Examiner that the present application is related through a common claim of priority to U.S. Patent Application Serial Nos. 10/137,979, 11/417,870, 11/417,915, 11/417,533, and 12/164,859. In addition, the Applicant reminds the Examiner that, as discussed in the Interview, U.S. Patent Application Serial No. 11/417,870 is a continuation of the present application before a different Examiner (Harish T. Dass) and in a different art unit (3692) and has issued as U.S. Patent No. 7,542,940.

In addition, for the purposes of the present application, the Applicant hereby rescinds any disclaimer of claim scope that may have been (or may be) made during the prosecution of any related application. The Applicant respectfully requests examination of the instant claims according to the claim language in light of the prior art without importing statements made by the Applicant in the prosecution of any related application.

### **III. Status of the Claims**

The present application includes claims 33-46. By this Response, claim 45 has been amended to correct a typographical error. The Applicant respectfully submits that no new matter has been added by these amendments and that support can be found in the Specification at least at Table 2 on page 38.

### **IV. Request for Information**

The Office Action made a Request for Information under 37 C.F.R. 1.105. The Applicant notes that a similar Request was made in an Office Action mailed June 25, 2009 ("the

Prior Request”). More particularly, the Applicant understands that the Office Action refined the Prior Request and stated that the Examiner “would like to know if [the] mathematical equation [of claim 45] has been practiced in the ‘prior art’ Trading Technologies systems and also asks Applicant to provide any products/services that have incorporated the claimed mathematical equation.”

As stated in the Response to the Prior Request, the Applicant respectfully submits that claim 45 recites a particular embodiment utilizing a form of EQN 6 of the Applicant’s Specification. EQN 6 is discussed in the Specification beginning at page 30.

In response to the Request, the Applicant does not currently believe the mathematical equation as recited in claim 45 has been practiced in prior art Trading Technologies systems. The Applicant currently believes that the following Trading Technologies products implement techniques which may be covered by claim 45: Autospreader®, Autospreader® Strategy Engine, Financial Market Data Server (FMDS), and X\_STUDY®.

The Applicant respectfully submits that this constitutes a complete reply to the Examiner’s Request. Additionally, the Applicant invites the Examiner to contact Trading Technologies in-house Patent Counsel Adam Faier at 312-698-6003 if the Examiner believes additional discussion of claim 45 (or any of the other pending claims) would be helpful to the Examiner.

#### V. Conclusion

In general, the Office Action made various statements regarding the pending claims and the cited art that are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (for example, if such statements should become relevant by appearing in a rejection of any current or future claim).

All the stated grounds of objection and rejection have been respectfully traversed, accommodated, or rendered moot. The Applicant therefore submits that the present application is in condition for allowance. If the Examiner believes that further dialog would expedite consideration of the application, the Examiner is invited to contact Trading Technologies in-house Patent Counsel Adam Faier at 312-698-6003, or the undersigned attorney or agent.

Date: November 17, 2009

McDonnell Boehnen  
Hulbert & Berghoff LLP  
300 South Wacker Drive  
Chicago, IL 60606  
Tel: 312-913-0001

Respectfully submitted,

By: /Jori R. Fuller/  
Jori R. Fuller  
Reg. No. 57,628